

# EXHIBIT 3

**THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Food Not Bombs Houston et al.,	)	
Plaintiffs,	)	
v.	)	Case No. _____
City of Houston, Texas,	)	
Defendant.	)	

**DECLARATION OF BRANDON WALSH**

I, BRANDON WALSH, hereby declare and state:

1. I am a Plaintiff in the above-captioned case and submit this declaration in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated, and, if called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind to declare to the facts stated herein. I reside in Houston, Texas.

**My Commitment to Food Not Bombs Houston**

2. I am a member of Food Not Bombs Houston ("FNBH") and founder of a media company. I am highly experienced in graphic design, advertising, social media fundraising, videography, and photography. As a result of my background, in June of 2023, I began volunteering with FNBH. Previously, FNBH had an inconsistent presence on social media and lacked regular photography and videography of its events.

3. Since June of 2023, I have been attending FNBH events approximately three times a week. At each event, I take photos and videos of the food distribution, police officers giving

members and volunteers tickets, and other aspects of our events as they occur. I then regularly post my photos and videos on FNBH's official Instagram and Tik Tok pages to raise public awareness of FNBH's activities. As a result, FNBH has generated support from around the country and connected with other FNBH chapters from other cities.

4. For example, during the FNBH event on December 22, 2023, I took the **photo attached to this Declaration as Exhibit A**, and this photo is representative of the photos I regularly take at FNBH events. The photo reflects people in line getting food with volunteers in FNBH shirts serving food next to a banner that says "FOOD NOT BOMBS / POVERTY IS NOT A CRIME." The photo in Exhibit A is a true and accurate depiction of the FNBH event on December 22, 2023.

5. The logo on the banner is a play on the traditional Food Not Bombs logo that I designed as the City of Houston ("the City") began cracking down on FNBH. **The logo is attached as Exhibit B to this declaration** and is a true and accurate copy of the FNBH logo displayed on our banner and some of the t-shirts that volunteers wear.

6. I also frequently help distribute food as part of FNBH events. When we don't have enough volunteers or have significant amounts of food to give out, I will step into the assembly line of our events and help distribute food.

7. FNBH events, and my participation in them, are a protest against the City's treatment of unhoused people. FNBH represents the way we hope our City would treat those without resources. The people who receive food from FNBH go out of their way to come to our events and receive food. Meanwhile, the City perpetuates the very violence that puts unhoused people in their disadvantaged situation. By distributing food and raising awareness of the violent

treatment of unhoused people, FNBH protests the conditions that make unhoused people live in such destitute conditions without sufficient government support.

8. I also believe that serving food is the best way to communicate my criticism of the City's treatment of unhoused people. Through FNBH's food sharing events, we are able to embody the type of community support that is so desperately needed and hopefully inspire others to engage in similar actions. It also gives us a public platform in which to communicate our disagreement with the disproportionate use of police officers to harm the unhoused people in Houston.

9. Because of my commitment to FNBH's message, I intend to engage in similar activities in the future.

**The Anti-Food Sharing Ordinance Restricts My Expression**

10. I am familiar with § 20-252 of the Houston City Code ("the Anti-Food Sharing Ordinance"). As I understand it, the Anti-Food Sharing Ordinance prohibits giving food to five or more people in need on public property without advance written consent from the City of Houston ("the City") to use that location. Further, the only location on city property where anyone can serve food is at 61 Riesner Street, Houston, Texas.

11. I fear that I will be criminalized under the Anti-Food Sharing Ordinance because I participate in FNBH events where we serve food to more than five unhoused people.

12. I strongly disagree with the Anti-Food Sharing Ordinance's purpose and justification. As explained, the core message I communicate as a FNBH member is that the City is not doing enough to care for unhoused people and that our communities can do more to meet their needs through direct mutual aid. The Anti-Food Sharing Ordinance's requirement to receive prior permission, though, significantly impairs this message by forcing those criticizing the City to only express their message in the time, location, and circumstances the City deems proper.

13. There is also no good reason for the Anti-Food Sharing Ordinance, particularly with respect to FNBH. We take great care to share food in the most environmentally and socially responsible manner possible. That is why we serve vegetarian and vegan food that would otherwise go to waste and bring trash bags to take any excess waste with us. We also serve food at 7:30 P.M. after the library closes so our events do not interfere with those visiting the library during its normal operating hours.

14. More fundamentally, the Anti-Food Sharing Ordinance results in our community events being constantly surveilled by large numbers of police officers, which stigmatizes our group and deters otherwise hungry people from attending. For example, on or around July 19, 2023, I took the **photo attached to this declaration as Exhibit C** of a FNBH volunteer wearing our “Poverty is Not a Crime” shirt with four Houston Police Department officers standing in the background watching our volunteers distribute food. The man pictured was later cited under the Anti-Food Sharing Ordinance. The photo is a true and accurate depiction of the FNBH event on July 19, 2023.

15. Furthermore, 61 Riesner Street—the sole location in the City in which people can serve food to more than five people on public property—is woefully inadequate for the expressive purposes of FNBH and myself.

16. Most importantly, one purpose of my expression with FNBH is to criticize the City’s, police, and other governmental bodies’ response to the crisis of homelessness. Forcing me and other volunteers to serve food from a police station parking lot is directly at odds with that message by forcing association with the City and several police officers. Not only would this forced association violate my core beliefs, but it would also dilute the power of our message. It

makes little sense to advocate “Poverty is Not a Crime” from the doorstep of those I believe criminalize poverty throughout the City.

17. Further, many of the people we share food with live near the library and use wheelchairs, canes, and other mobility assistance devices. Trekking the mile to 61 Riesner Street would seriously dissuade people from attending our events from sheer lack of ability to reach us if we conducted our events there.

18. Even for those without disabilities, though, 61 Riesner Street’s status as a police station, and the fixture of police presence at events there, would deter people from attending because many of the people who receive food from us have experienced police harassment. I do not want to help host an event where people are scared about getting in trouble or being harassed surrounded by police officers.

19. In sum, my participation with FNBH communicates my deeply held disagreement with the City’s response to homelessness and inspires others to engage in similar mutual aid efforts. I believe that by sharing food we are symbolizing the community self-reliance necessary to achieve the world I want to build. I fear that that I will be criminalized under the Anti-Food Sharing Ordinance for my activities with FNBH, and this imposes unjust burdens on myself and other volunteers who are simply trying to expressing ourselves and our solidarity with unhoused people in Houston.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

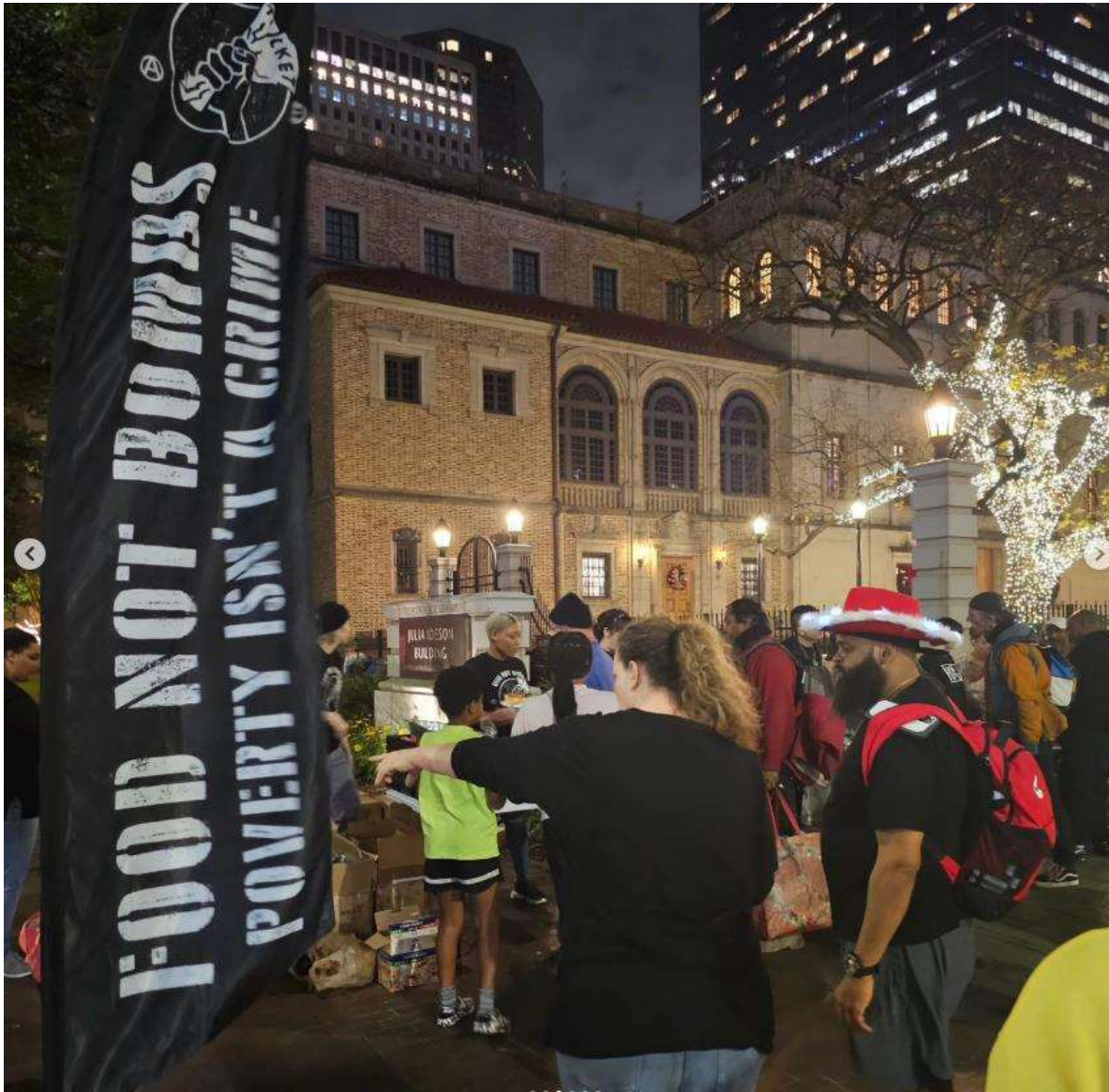
Executed on 1/22/2024 in Houston, Texas.

DocuSigned by:  
*Brandon Walsh*  
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BRANDON WALSH

**Ex. A**





## **Ex. B**



**Ex. C**



